

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HYPER BICYCLES, INC., : 22cv1601 (DLC)
: 22cv3308 (DLC)
: Plaintiff, :
-v- :
: ORDER
ACCTEL, LTD. and TAPESH SINHA, :
: Defendants. :
----- X
ACCTEL, LTD., :
: Plaintiff, :
-v- :
HYPER BICYCLES, INC., :
: Defendant. :
----- X

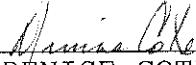
DENISE COTE, District Judge:

Acctel, Ltd. ("Acctel") filed a complaint against Hyper Bicycles, Inc. ("Hyper") on April 22, 2022. These actions were consolidated on May 20. Hyper moved to dismiss on August 2. These actions were reassigned to this Court on August 17. Acctel filed a first amended complaint ("FAC") on September 12. Hyper moved to dismiss the FAC on October 6. The motion is fully submitted. It is hereby

ORDERED that Hyper's motion to dismiss is denied. See Austin Instrument, Inc. v. Loral Corp., 29 N.Y.2d 124, 130-31 (1971).

IT IS FURTHER ORDERED that the parties shall proceed with discovery pursuant to the November 4, 2022 Pretrial Scheduling Order.

Dated: New York, New York
November 9, 2022


DENISE COTE
United States District Judge